

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

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U.S. DISTRICT COURT
DISTRICT OF MASS.

ZONEPERFECT NUTRITION
COMPANY,

Plaintiff,

v.

HERSHEY FOODS CORPORATION,
HERSHEY CHOCOLATE &
CONFECTIONERY CORPORATION,
DR. BARRY D. SEARS, AND
ZONE LABS, INC.,

Defendants.

CIVIL ACTION NO: 04-10760 REK

DR. BARRY D. SEARS and
ZONE LABS, INC.,

Plaintiffs-in-Counterclaim,

v.

ZONEPERFECT NUTRITION COMPANY)
Defendant-in-Counterclaim

PROPOSED ORDER

The Plaintiff ZonePerfect Nutrition Company ("ZonePerfect") has moved for an Order which vacates in part a protective order entered in the matter of Surfactant Technologies, Inc. v. Pure Distributors, Inc./d/b/a Envion International and Matthew J. Freese, C.A. No. 96-CV-11155-RGS ("the Envion litigation"). After review of the papers submitted by all parties, this Court ORDERS as follows:

1. So much of the Protective Order referenced above which prevents the defendant Dr. Barry D. Sears ("Dr. Sears") from producing documents or information designated as confidential or highly confidential by Pure Distributors, Inc. d/b/a Envion or Matthew Freese is hereby vacated solely for purposes for this litigation;
2. All documents which Dr. Sears produces to any other party in this litigation which had previously been subject to the protective order in the Envion litigation shall be deemed "confidential" under the terms of the Protective Order entered by this Court on [date]; and
3. Subject to the foregoing, all other terms of the Protective Order entered in the Envion litigation shall otherwise continue in full force and effect.

Ordered this ____ day of June, 2004.

Judge Robert E. Keeton